

1
2 BILL NO. S-90-08-15

3 SPECIAL ORDINANCE NO. S-207-90

4 AN ORDINANCE approving
5 Contract FOR RES. #6139-90,
6 WOODWARD AVE. between WEIKEL
7 LINE COMPANY and the City of
8 Fort Wayne, Indiana, in
9 connection with the Board of
10 Public Works and Safety.

11 NOW, THEREFORE, BE IT ORDAINED BY THE COMMON
12 COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

13 SECTION 1. That the Contract FOR RES. #6139-90,
14 WOODWARD AVE. by and between WEIKEL LINE COMPANY and the
15 City of Fort Wayne, Indiana, in connection with the Board of
16 Public Works and Safety, is hereby ratified, and affirmed
17 and approved in all respects, respectfully for:

18 the improvement of Woodward
19 Ave. from the north property
20 line of E. State Blvd. to the
21 south property line of Curdes
22 Avenue by constructing new
23 curbing, areas of drives and
24 yardwalks;

25 involving a total cost of One Hundred Twenty-Five Thousand
26 Four Hundred Eighty-Five and no/100 Dollars (\$125,485.00).

27 SECTION 2. Prior Approval has been requested from
28 Common Council on July 17, 1990. Two copies of said
29 Contract are on file with the Office of the City Clerk and
30 made available for public inspection, according to law.

31 SECTION 3. That this Ordinance shall be in full
32 force and effect from and after its passage and any and all
necessary approval by the Mayor.

33
34 Clarence R. Edmund
35 Councilmember

36 APPROVED AS TO FORM
37 AND LEGALITY

38 J. Timothy McCaulay
39 J. Timothy McCaulay, City Attorney

CONTRACT NO. 6139-90
WOODWARD AVENUE (COIT)

BOARD ORDER NO. 94-84

WORK ORDER NO. 10,802

THIS CONTRACT made and entered into in triplicate this 1st day of August, 1990, by and between Weikel Line Company, Inc., herein called CONTRACTOR, and the City of Fort Wayne, Indiana, an Indiana Municipal Corporation, acting by and through the Mayor and the Board of Public Works and Safety, herein called OWNER;

WITNESSETH, that the CONTRACTOR and the OWNER, for the considerations hereinafter named, agree as follows:

ARTICLE 1: SCOPE OF WORK

CONTRACTOR shall furnish all labor, material, equipment, tools, power, transportation, miscellaneous equipment, etc., necessary for the following:

Improvement of Woodward Avenue from the north property line of East State Boulevard to the south property line of Curdes Avenue by constructing new curbing, areas of drives and yardwalks, all according to Resolution No. 6139-90, Drawing No. ST-10691, Sheets 1-18, and do everything required by this contract and the other documents constituting a part hereof.

ARTICLE 2: THE CONTRACT SUM

The OWNER shall pay CONTRACTOR for the performance of the contract the unit price sum of \$125,485.00. In the event the amount of work is increased or decreased by OWNER, the contract sum shall be increased or decreased according to the unit price schedule set forth in the CONTRACTOR's Proposal.

ARTICLE 3: PROGRESS PAYMENTS

The OWNER shall make payments on account of the contract as provided herein, as follows:

Monthly progress payments will be made by OWNER upon submission of a statement of quantities of work completed and/or materials supplied to the job site as of the end of each month. On or about the 15th day of the following month, ninety percent (90%) of the value of the work performed up to the first day of that month (based on the contract price of labor and materials incorporated in the work) and as estimated by the CONTRACTOR and approved or revised by the Engineering Department of the OWNER less the aggregate of previous payments, will be paid by OWNER to the CONTRACTOR.

ARTICLE 7: PREVAILING WAGE SCALE

The CONTRACTOR agrees to pay, and also requires of his subcontractors that they pay wage rates on the work covered by this contract which shall not be less than the prescribed scale of wages as determined pursuant to the Statutes of the State of Indiana, and the Ordinances of the City of Fort Wayne according to the applicable wage scale as included in the bid documents.

ARTICLE 8: COMPONENT PARTS OF THIS CONTRACT

The following documents are as fully a part of the contract as if hereto attached or herein repeated:

- a. Advertisement for Bids, for Resolution No. 6139-90.
- b. Instructions to Bidders for Resolution No. 6139-90.
- c. Contractor's Proposal Dated June 27, 1990.
- d. Ft. Wayne Engineering Department Drawing No. ST-10691, Sheets 1-18.
- e. Supplemental Specifications for Resolution No. 6139-90.
- f. Workmen's Compensation Act, Statutes of the State of Indiana and Ordinances of the City of Fort Wayne.
- g. Non-Discrimination of Labor, General Ordinance No. G-34-78 (as amended).
- h. Prevailing Wage Scale.
- i. Performance and Guaranty Bond.
- j. Labor and Material Payment Bond.
- k. Right-of-Way Cut Permit.
- l. Comprehensive Liability Insurance Coverage.

ARTICLE 9: GUARANTEE OF WORKMANSHIP

At the time of execution of this contract, the CONTRACTOR shall furnish a Performance and Guaranty Bond in favor of the City of Fort Wayne in the amount of the total value of the materials supplied and/or work performed under the terms of this contract. The said bond shall ensure the completion of the work covered hereunder and shall guarantee the materials and workmanship for a period of three (3) years following written acceptance of the work by the OWNER.

ARTICLE 10: INDEMNITY


CONTRACTOR shall furnish to OWNER, within ten (10) days of the date hereof, a certificate from an insurer acceptable to OWNER showing personal injury and property damage insurance, in force and issued in connection with the work to be performed under this Contract, in amounts satisfactory to OWNER and in accordance with the Statutes of the State of Indiana.

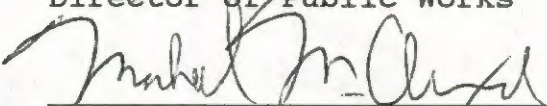
CITY OF FORT WAYNE, INDIANA

BY: 

Paul Helmke, Mayor

BOARD OF PUBLIC WORKS & SAFETY


Charles E. Layton
Director of Public Works


Michael McAlexander
Director of Public Safety

Douglas M. Lehman
Director of Administration &
Finance

ATTEST:


Patricia J. Crick, Clerk

ACKNOWLEDGMENT

STATE OF INDIANA:

SS:

COUNTY OF ALLEN:

BEFORE ME, a Notary Public, in and for said County and State, this 23rd day of July, 1990, personally appeared the within named Don Weikel, who, being by me first duly sworn upon their oaths, say that they are the President of Weikel Line Company, Inc., and as such duly authorized to execute the foregoing instrument and acknowledged the same as the voluntary act and deed of Weikel Line Company, Inc., for the uses and purposes therein set forth.

Carol Glassley
NOTARY PUBLIC

Carol Glassley
(Type or print name of notary)

MY COMMISSION EXPIRES: 10/28/91

Read the first time in full and on motion by Jim Jones, seconded by D. L. Leno, and duly adopted, read the second time in full and referred to the Committee on Public Works (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Conference Room 128, City-County Building, Fort Wayne, Indiana, on _____, the _____, day of _____, 19____, at _____ o'clock _____ M., E.S.T.

DATED: 8-14-90

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Edmonds, seconded by D. L. Leno, and duly adopted, placed on its passage. PASSED ~~LOST~~ by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	<u>7</u>			<u>1</u>
BRADBURY	<u>✓</u>			
BURNS	<u>✓</u>			
EDMONDS	<u>✓</u>			
GIAQUINTA				<u>✓</u>
HENRY	<u>✓</u>			
LONG	<u>✓</u>			
REDD	<u>✓</u>			
SCHMIDT	<u>✓</u>			
TALARICO	<u>✓</u>			

DATED: 8-28-90

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL) (SPECIAL) (ZONING MAP) ORDINANCE RESOLUTION NO. S-207-90 on the 28th day of August, 1990.

Sandra E. Kennedy ATTEST
SANDRA E. KENNEDY, CITY CLERK

SEAL
Charles S. Reed
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 29th day of August, 1990 at the hour of 11:00 o'clock A. M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 31st day of August, 1990, at the hour of 3:30 o'clock P. M., E.S.T.

Paul Helmke
PAUL HELMKE, MAYOR

A-50-08-10-

Admn. Appr.

TITLE OF ORDINANCE: Contract for Res. #6139-90, Woodward Ave.

DEPARTMENT REQUESTING ORDINANCE: Board of Public Works & Safety

SYNOPSIS OF ORDINANCE: The contract for Res. #6139-90, is for the improvement of Woodward Ave. from the north property line of E. State Blvd. to the south property line of Curdes Avenue by constructing new curbing, areas of drives and yardwalks. Weikel Line Company, Inc., is the contractor.

PRIOR APPROVAL RECEIVED ON JULY 17, 1990

EFFECT OF PASSAGE: Improved curbs, drives & yardwalks at above location

EFFECT OF NON PASSAGE:

MONEY INVOLVED (DIRECT COSTS, EXPENDITURE, SAVINGS) \$125,485.00

ASSIGNED TO COMMITTEE:

BILL NO. S-90-08-15

REPORT OF THE COMMITTEE ON PUBLIC WORKS

MARK E. GIAQUINTA, CHAIRMAN
CLETUS R. EDMONDS, VICE CHAIRMAN
HENRY, SCHMIDT, TALARICO

WE, YOUR COMMITTEE ON PUBLIC WORKS TO WHOM WAS

REFERRED AN (ORDINANCE) (~~RESOLUTION~~) approving Contract FOR
RES. #6139-90, WOODWARD AVE. between WEIKEL LINE COMPANY and the
City of Fort Wayne, Indiana, in connection with the Board of Public
Works and Safety

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID
(ORDINANCE) (~~RESOLUTION~~)

DO PASS

DO NOT PASS

ABSTAIN

NO REC

Samuel Talarico

C. R. Edmonds

Q. Schmidt

J. Brophy

Mark E. Giaquinta

DATED: *8-28-90*

Sandra E. Kennedy
City Clerk